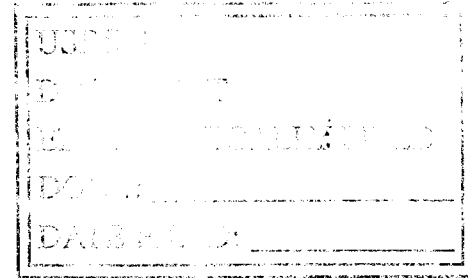


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## MEMO ENDORSED

November 29, 2012

Honorable Kenneth M. Karas  
United States District Judge  
Federal Building  
300 Quarropas Street  
White Plains, NY 10601

Re: Charles DeCesare v. Aetna Life Ins. Co.  
Docket: 7:12-cv-07162 (KMK) (LMS)  
Our File#: 120.01  
Defendant's file#: 00322-008157

Dear Judge Karas:

Our office represents Charles DeCesare in the above referenced matter. I submit this letter in compliance with the Court's endorsement of the November 14, 2012 letter of defense counsel.

After review of the Dress Barn Long Term Disability Plan, Aetna claim file, and conversation with defense counsel, I write to request the court's permission to: (1) withdraw the First through Fourth Causes of Action in the plaintiff's Complaint; (2) to replead the Complaint under 29 U.S.C. § 1002; and to file a new Complaint with claims under 29 U.S.C. § 1132(a)(1)(B) within thirty (30) days.

The defendant has not yet filed an Answer.

Thank you for your consideration in this matter.

Respectfully submitted,  
LAW OFFICE OF BARBARA A. MATARAZZO

By: Barbara A. Matarazzo

cc: Sedgwick LLP 12/3/12  
Attn: Michael H. Bernstein, Esq.

Granted.

Signed: